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January 31, 2022

Via ECF

Honorable Cathy L. Waldor, U.S.M.J.
United States District Court for the District of New Jersey
Martin Luther King Building & U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07101

Re: *BRG Harrison Lofts Urban Renewal LLC v. General Electric Company, et al.*
and Evanston Insurance Company v. Accredited Environmental
Technologies, Inc., et al.,
Consolidated Action No. 2:16-cv-06577 (SRC-CLW)

Dear Judge Waldor:

We represent Plaintiff BRG Harrison Lofts Urban Renewal LLC in this consolidated matter. We write on behalf of the parties in the BRG action (the "Parties") in response to the Court's request for an updated discovery schedule (Dkt. 248).

- The Parties shall resolve any disputes regarding damages productions by February 28, 2022.
- The Parties shall conduct a damages deposition of BRG's 30(b)(6) witness by March 31, 2022.
- The Parties shall either conduct 30(b)(6) depositions of EWMA's and AET's witnesses or advise the Court that they intend to proceed with mediation by March 31, 2022.
- The parties to the consolidated insurance action shall advise the court whether they intend to participate in mediation by March 31, 2022.

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- If the Parties advise they are not proceeding with mediation, fact discovery shall conclude by July 31, 2022, with expert discovery to follow pursuant to the existing Third Amended Pre-Trial Scheduling Order (Dkt. 131), copied below in relevant part:
 - “All affirmative expert reports shall be delivered within 60 days after the close of fact discovery. All responsive expert reports shall be delivered within 45 days after the receipt of affirmative expert reports. Depositions of all experts to be completed within 45 days after the service of responsive expert reports.”
- If the Parties are proceeding with mediation, we respectfully request that the Your Honor schedule a conference call with all counsel to address the timeframe for mediation and a stay of discovery.

We have attached a proposed Fourth Amended Pretrial Scheduling Order consistent with the above schedule and appreciate the Court’s attention to this matter.

Respectfully,

Dennis M. Toft

DENNIS M. TOFT
Member

DMT:da

Cc: All Counsel – *via ECF*